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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/675,974	09/29/2000	STAN W BOWLIN	F-316	1735

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EXAMINER

ART UNIT PAPER NUMBER

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Please find below and/or attached an Office communication concerning this application or proceeding.

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**Notification of Non-Compliance  
With 37 CFR 1.192(c)**

Application No.

09/675,974

Applicant(s)

BOWLIN, STAN W

Examiner

Christopher E. Lee

Art Unit

2112

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

The Appeal Brief filed on 15 April 2004 is defective for failure to comply with one or more provisions of 37 CFR 1.192(c). See MPEP § 1206.

To avoid dismissal of the appeal, applicant must file IN TRIPLICATE a complete new brief in compliance with 37 CFR 1.192(c) within the longest of any of the following three **TIME PERIODS**: (1) **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer; (2) **TWO MONTHS** from the date of the notice of appeal; or (3) within the period for reply to the action from which this appeal was taken. **EXTENSIONS OF THESE TIME PERIODS MAY BE GRANTED UNDER 37 CFR 1.136.**

1. ☐ The brief does not contain the items required under 37 CFR 1.192(c), or the items are not under the proper heading or in the proper order.
2. ☒ The brief does not contain a statement of the status of all claims, pending or cancelled, or does not identify the appealed claims (37 CFR 1.192(c)(3)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 1.192(c)(4)).
4. ☐ The brief does not contain a concise explanation of the claimed invention, referring to the specification by page and line number and to the drawing, if any, by reference characters (37 CFR 1.192(c)(5)).
5. ☐ The brief does not contain a concise statement of the issues presented for review (37 CFR 1.192(c)(6)).
6. ☐ A single ground of rejection has been applied to two or more claims in this application, and
  - (a) ☐ the brief omits the statement required by 37 CFR 1.192(c)(7) that one or more claims do not stand or fall together, yet presents arguments in support thereof in the argument section of the brief.
  - (b) ☐ the brief includes the statement required by 37 CFR 1.192(c)(7) that one or more claims do not stand or fall together, yet does not present arguments in support thereof in the argument section of the brief.
7. ☐ The brief does not present an argument under a separate heading for each issue on appeal (37 CFR 1.192(c)(8)).
8. ☒ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 1.192(c)(9)).
9. ☒ Other (including any explanation in support of the above items):

(1) The Appellant states a response after final was filed November 12, 2003, together with a notice of appeal on page 2, lines 9-10. However, the Appellant filed the response after final on November 12, 2003, and filed the notice of appeal on January 13, 2004, separately. Furthermore, the Appellant admits the notice of appeal was filed by Fax on January, 11, 2004 on page 2, lines 14-16. Thus, the brief does not correctly state the status of claims under appeal.

(2) The Appellant attaches three copies of claims (See Appendix of Claims in the Appeal Brief). However, Rule 37 CFR 1.192(c)(9) clearly states "an appendix containing a copy of the claims involved in the appeal". In this case, as the Appellant admitted, the finally rejected claims, which were filed on June 18, 2003 (paper no. 6), are under appeal, and the amended/newly added claims after final, which were not entered and won't be entered upon appeal (See Advisory Action mailed on November 26, 2003: paper no. 9), could not be under appeal because the proposed amendment after final will not be entered (See the Advisory Action, item 7). Thus, the brief does not contain a correct copy of the appealed claims as an appendix thereto.

  
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